

CONSTRUCTION  
INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF TUCSON

JPA #90-165

AG# 91-0615

CITY of TUCSON CONTRACT NO. 0626-91

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Section 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the CITY OF TUCSON, hereinafter called "CITY".

WHEREAS, the STATE is empowered by A.R.S. Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE.

WHEREAS, the CITY is empowered by A.R.S. Section 48-572 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said CITY.

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain intersection improvements and/or modifications be made on the State Highway System in the City of Tucson. This work shall consist of the reconstruction of traffic signals and highway/intersection lighting on:

Stone Avenue (US 89) at 6th Street and

Toole-Franklin

Project 89 PM 66 H2332-01C

RECEIVED  
MAY 1 1991  
CITY OF TUCSON

NOW THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The CITY shall design the traffic signals and highway/intersection lighting and the STATE shall review these plans.
2. Upon the approval of the final plans by the STATE and the CITY, the CITY shall advertise for bids and award a contract for the reconstruction of the traffic signals and highway/intersection lighting.
3. The CITY will be responsible for any contractor claims for extra compensation attributable to CITY.
4. The STATE shall provide 50% of the reconstruction costs. The present engineering estimate for the project is \$114,500; however, the final costs may be more or less than the present estimate, depending on the bids received for this project. In any case, the STATE will pay 50% of the actual cost of the traffic signals and highway/intersection lighting.

5. The **STATE** will reimburse the **CITY** its share of the reconstruction costs at the time the project is completed.
6. This Agreement shall be terminated when all conditions as set forth herein have been complied with and the traffic signals, highway/intersection lighting and other associated work is completed, in place, and functional.
7. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor pursuant to A.R.S. §38-511.
8. The provisions of A.R.S. §35-214 are applicable to this Agreement.
9. In the event of a dispute, the parties agree to use arbitration to the extent required by A.R.S. §12-1518.
10. This Agreement shall be filed with the Secretary of State and shall become effective upon filing.

11. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the CITY is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

12. The provisions of A.R.S. Section 41-1463 and Executive Order Number 75-5, issued by the Governor of the State of Arizona and which are not inconsistent therewith, the provisions of the Tucson Code Section 17-21, are incorporated by this reference as part of this agreement.

STATE OF ARIZONA  
ARIZONA DEPARTMENT OF TRANSPORTATION

BY:

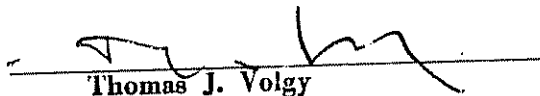
  
State Traffic Engineer

DATE:

4/10/91

CITY OF TUCSON

BY:

  
Thomas J. Volgy

TITLE:

Mayor

DATE:

APR 01 1991

ATTEST:


  
City Clerk

EXHIBIT A

ADOPTED BY THE  
MAYOR AND COUNCIL  
APR 01 1991

RESOLUTION NO. 15635

RELATING TO INTERGOVERNMENTAL AGREEMENTS; APPROVING AND AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT TRAFFIC SIGNAL ARROWS AND LUMINAIRES AT STONE AVENUE AND 6TH STREET AND TOOLE-FRANKLIN.

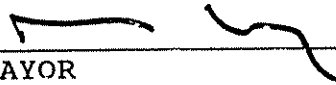
SECTION 1. The Intergovernmental Agreement with the Arizona Department of Transportation to construct traffic signal arrows and luminaires at Stone Avenue and 6th Street and Toole-Franklin, attached hereto as Exhibit A, is approved.

SECTION 2. The Mayor is hereby authorized and directed to execute the said Intergovernmental Agreement for and on behalf of the City of Tucson and the City Clerk is directed to attest the same.

SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this resolution.

SECTION 4. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this resolution become immediately effective, an emergency is hereby declared to exist and this resolution shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL  
OF THE CITY OF TUCSON, ARIZONA APR 01 1991.

  
MAYOR

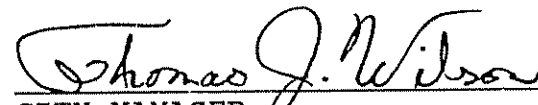
ATTEST:

  
CITY CLERK

APPROVED BY:

  
CITY ATTORNEY

REVIEWED BY:

  
CITY MANAGER

NWL/rsj  
3/14/91

EXHIBIT "B"

APPROVAL OF THE ATTORNEY

I hereby state that I have reviewed the proposed Construction Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION and the CITY OF TUCSON and declare the Agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 14<sup>th</sup> day of March, 1991.

CITY OF TUCSON

BY:

*[Signature]*  
City Attorney



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

~~Robert F. Corbin~~

Grant Woods

INTERGOVERNMENTAL AGREEMENT


DETERMINATION

A. G. Contract No. KR 91-0615, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 18 day of April, 1991.

GRANT WOODS  
Attorney General

  
Assistant Attorney General  
Transportation Section

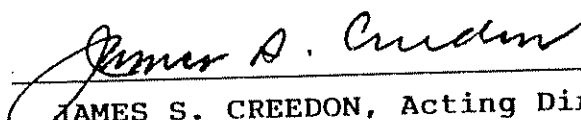


CONSTRUCTION - TRAFFIC SIGNALS

Project #89 PM 66 H2332-01C  
US 89 Stone Avenue at 6th Street and Toole-Franklin  
CITY OF TUCSON

RESOLUTION

BE IT RESOLVED on this 26 day of Dec, 1990, that I, JAMES S. CREEDON, as Acting Director, ARIZONA DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into a Construction Intergovernmental Agreement with the CITY OF TUCSON. The work involves a traffic signal revamp and the STATE shall provide 50% of the reconstruction costs. The present engineering estimate for the project is \$114,500.00. The CITY OF TUCSON will design and administer the project. THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Traffic Engineer.

  
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JAMES S. CREEDON, Acting Director  
ARIZONA DEPARTMENT OF TRANSPORTATION